

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
WINCHESTER DIVISION**

BUILDERS MUTUAL INSURANCE)	
COMPANY)	
)	
Plaintiff,)	JURY DEMAND
)	
v.)	Civil Action No. 4:09-cv-73
)	Judge Mattice
PARKER BROTHERS, LLC, and)	Magistrate Judge Lee
MARVIN B. PARKER.)	
)	
Defendants.)	

**FINAL AGREED ORDER OF COMPROMISE SETTLEMENT
AND DECLARATORY JUDGMENT**

It appearing to the Court, as evidenced by the signatures of counsel below, that the parties have reached a compromise to settle all claims which were raised or which could have been raised in this action, and that the parties have agreed to dismiss with prejudice their actions and claims against each other on a compromise basis in order to avoid the further hazards and costs of litigation;

It is therefore **ORDERED, ADJUDGED, and DECLARED** that based upon the grounds stated in the Complaint in this action for declaratory judgment, there is no coverage under the subject Builders Mutual commercial general liability policy, Policy No. CPP 0030890 00, for any claims raised against Parker Brothers, LLC, and/or Marvin B. Parker by the Plaintiffs in the lawsuit styled Christopher Smotherman and James Smotherman, Sr., v. Marvin Parker and Parker Brothers, LLC, et al, Bedford County Circuit Court, No. 11851;

It is further **ORDERED, ADJUDGED, and DECREED** that all claims which were brought or which could have been brought by the parties arising from and/or in connection with the subject racetrack incident which occurred on June 7, 2008, of Parker Brothers, LLC, and/or Marvin B. Parker, against the subject Builders Mutual commercial general liability policy, Policy No. CPP 0030890 00, be and hereby are released with prejudice;

It is further **ORDERED, ADJUDGED, and DECREED** that all claims which were raised or which could have been raised in this action by Parker Brothers, LLC, and/or Marvin B. Parker against Builders Mutual Insurance Company with regard to the subject racetrack incident which occurred on June 7, 2008, be, and hereby are, dismissed with prejudice;

It is further **ORDERED** that this action be and hereby is dismissed with prejudice, each party to bear the respective party's own costs.

ENTER this the 5th day of October, 2010.

W. A. Smith, Jr.
UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

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